

*City of Las Vegas*

**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: SEPTEMBER 13, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: VAR-23427 - APPLICANT/OWNER: CAROLE WEDDLE**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: DENIAL.** If Approved, subject to:

**Planning and Development**

1. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**Public Works**

2. The proposed structure shall remain open on three sides to minimize sight-visibility obstructions.

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**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This application is a request for a Variance to allow a six-foot setback for a proposed carport and a 12-foot setback for a proposed patio cover where a 20-foot front yard setback is the minimum required for a 1,260 square foot single family dwelling in the R-1 (Single Family Residential) Zoning District. An existing carport has been removed from 309 Wisteria Avenue in compliance to Code Enforcement Citation #49396.

This proposal is the result of a self-imposed hardship; therefore, staff recommends denial

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
There are no previous actions filed against this property	
<b><i>Related Building Permits/Business Licenses</i></b>	
1959	1,260 square-foot single family dwelling constructed.
1969	300 square foot addition was constructed.
1/18/07	Code Enforcement Citation #49396: Carport w/o permits, does not meet 20-foot setback. Case resolved 1/30/07.
<b><i>Pre-Application Meeting</i></b>	
6/11/07	The applicant met with staff regarding the request for a Variance to the front-yard setback on a proposed carport. The applicant also proposed adding a patio cover to extend from the front entrance to the carport. This request stems from an initial Code Enforcement citation for a carport that was removed.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required, nor was one held.	
<b><i>Field Check</i></b>	
8/09/07	The Department of Planning and Development conducted a field check and made the following observations: <ul style="list-style-type: none"> <li>• 1,260 S.F. single-family dwelling within the Charleston Heights Tract #4 subdivision without existing carport or front porch.</li> <li>• Two existing carports on located Wisteria Avenue.</li> </ul>
<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	0.13 acres

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<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Single Family Dwelling	L (Low Density Residential)	R-1 (Single Family Residential)
North	Single Family Dwelling	L (Low Density Residential)	R-1 (Single Family Residential)
South	Single Family Dwelling	L (Low Density Residential)	R-1 (Single Family Residential)
East	Single Family Dwelling	L (Low Density Residential)	R-1 (Single Family Residential)
West	Single Family Dwelling	L (Low Density Residential)	R-1 (Single Family Residential)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>		X	
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>			
A-O Airport Overlay District	X		Y
<b>Trails</b>		X	NA
<b>Rural Preservation Overlay District</b>		X	NA
<b>Development Impact Notification Assessment</b>		X	NA
<b>Project of Regional Significance</b>		X	NA

**A-O Airport Overlay District**

The request for a Variance to the Front Yard Setback has no affect on the established 175-foot Airport Overlay height restriction.

**DEVELOPMENT STANDARDS**

*Pursuant to Title 19.08, the following standards apply:*

<b><i>Standard</i></b>	<b><i>Required/Allowed</i></b>	<b><i>Proposed</i></b>	<b><i>Compliance</i></b>
Min. Lot Size	6,500 sq. ft.	5,843 sq. ft.	N
Min. Lot Width	65 feet	62 feet	N
Min. Setbacks			
• Front	20 feet	10 feet	N
• Side	5 feet	10 feet	Y
• Rear	15 feet	15 feet	Y
Max. Lot Coverage	50%	21%	Y
Max. Building Height	2 stories or 35 feet, whichever is less	Single story	Y

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## **ANALYSIS**

A carport was previously installed in front of the single family dwelling to provide shade for parking. The previous carport was approximately 10 feet from the front property line, resulting in a citation from Code Enforcement. The applicant has since removed the carport at seeking consideration for a Variance to replace the carport and to also include a patio to provide additional shade coverage from the front door.

The proposed carport and patio cover are both made of an aluminum metal with a painted finish to match the house aesthetically. The applicant states that the carport is needed because there is no shade provided to park under.

Although the carport and patio cover comply with the 5-foot side yard setback, the carport encroaches 10 feet into the 20-foot front yard setback as established by Title 19.08.040 for the R-1 (Single Family Residential) Zoning District. Because this proposal is the result of a self-imposed hardship, staff recommends denial.

## **FINDINGS**

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

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No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing the installation of a carport and patio cover within the required 20-foot front yard setback. The existing placement of the single family dwelling at this location does not allow a structure that will feasibly conform to the Title 19 requirements as the building face is at the 20-foot setback. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT**      3

**SENATE DISTRICT**      3

**NOTICES MAILED**      421

**APPROVALS**      2

**PROTESTS**      0